

**THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SCOTTSDALE INSURANCE COMPANY,

Plaintiff,

Case No. 21-cv-1001-bhl

v.

GEEBO, LLC,
JAMES W. PAPPAS,
FRANKIE OVANDO, as Special Administrator
for the Estate of ATKEEM STEVENSON,
MICHAELA ENGLERT, as Special Administrator
of the Estate of CEDRIC GASTON,
KEVIN SERRATOS,
THOMAS P. GOCHIS, and
JOSEPH W. HURLEY,

Defendants.

**AGREED MOTION TO HOLD GEEBO, LLC and JAMES PAPPAS'
MOTION FOR PARTIAL DISMISSAL OF MICHAELA ENGLERT, AS SPECIAL
ADMINISTRATOR OF THE ESTATE OF CEDRIC GASTON'S CROSS CLAIM
IN ABEYANCE PENDING RESOLUTION OF
SCOTTSDALE INSURANCE COMPANY'S CLAIMS**

1. This case arises out of the shooting death of Cedric Gaston at a tavern allegedly owned and operated by Geebo, LLC and James Pappas. (**Scottsdale Insurance Company's, Second Amended Complaint, Doc. 49.**)

2. Scottsdale Insurance Company filed this lawsuit alleging (1) the parties entered into an enforceable pre-suit settlement agreement, and (2) the applicable policy limit is \$25,000.00. (**Scottsdale Insurance Company's, Second Amended Complaint, Doc. 49.**)

3. In answering the second amended complaint, the Estate of Cedric Gaston brought crossclaims and counterclaims against Geebo, LLC and James Pappas alleging negligence and

violation of Wisconsin's Safe Place Statute in relation to the shooting death of Cedric Gaston.

(Answer to Second Amended Complaint, Doc. 54.)

4. On May 23, 2023, the defendants, Geebo, LLC and James Pappas, filed a motion for partial dismissal, seeking dismissal of the Estate of Cedric Gaston's Safe Place claims. **(Motion for Partial Dismissal, Doc. 61; see also, Brief in Support of Motion for Partial Dismissal, Doc. 62.)**

5. On August 30, 2022, prior to the Estate of Cedric Gaston's involvement in the matter, the parties conferred pursuant to FRCP Rule 26(f).

6. During the Rule 26(f) conference, the parties agreed that discovery relating to the Estate of Atkeem Stevenson's and Annessha Stevenson's crossclaims and counter claims should be bifurcated and stayed, pending discovery and resolution of Scottsdale Insurance Company's claims. **(Scottsdale Insurance Company's, Amended Complaint, pp. 8-9, Doc. 16.)**

7. On June 19, 2023, counsel for Geebo, LLC, James Pappas and the Estate of Cedric Gaston conferred and agreed that discovery relating to the Estate of Cedric Gaston's crossclaims and counter claims should also be bifurcated and stayed, pending discovery and resolution of Scottsdale Insurance Company's claims. **(Scottsdale Insurance Company's, Second Amended Complaint, pp. 10-11, Doc. 49.)**

8. Counsel agreed that, depending on the outcome of Scottsdale Insurance Company's claims, the Court may not need to address or decide the motion for partial dismissal at this time.

9. Counsel therefore agreed that holding the motion for partial dismissal in abeyance is in the mutual interest of the parties and in the interest of judicial economy.

10. Counsel agreed that no opposition to the motion for partial dismissal and no answer to the crossclaims and counterclaims should be due, until otherwise ordered by the Court, pending resolution of Scottsdale Insurance Company's claims.

WHEREFORE, Geebo, LLC, James Pappas and the Estate of Cedric Gaston, respectfully request this Court enter an Order holding (1) that Geebo, LLC and James Pappas's motion for partial dismissal shall be held in abeyance, (2) that no brief or memorandum in opposition to Geebo, LLC and James Pappas's motion for partial dismissal is due until further ordered by the Court, and (3) that no answer to the Estate of Cedric Gaston's crossclaims and counterclaims is due until further ordered by the Court.

Dated this 20th day of June, 2023.

DUNK LAW FIRM, PLLC

Attorneys for Defendant, Michaela Englert as Special Administrator for the Estate of Cedric Gaston

By: Electronically signed by Eric L. Andrews

Eric L. Andrews, Esq.

WI SBN: 1068550

Dated this 20th day of June, 2023.

HENNESSY & ROACH, P.C.

Attorneys for Defendants, Geebo, LLC and James Pappas

By: Electronically signed by Charles W. Kramer

Charles W. Kramer, Esq.

WI SBN: 1021504